REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9 are pending.

In the outstanding Office Action, Claims 1-9 were rejected under 35 U.S.C. §103(a) as unpatentable over Agraharam et al. (U.S. Patent No. 5,956,482, hereinafter Agraharam) in view of Porter et al. (U.S. Patent No. 6,675,299, hereinafter Porter).

With regard to the rejection of Claim 1 under 35 U.S.C. §103(a) as unpatentable over Agraharam in view of Porter, that rejection is respectfully traversed.

1.   Agraharam does not disclose "reception means" as recited in Claim 1

Claim 1 recites, "reception means … for receiving a content request transmitted from any of the information processing apparatuses belonging to one of the plurality of groups." The outstanding Office Action cited Agraharam as teaching this element at page 3, paragraphs 28 and 34.[1] However, Agraharam describes a system wherein a "conductor" at conductor session terminal (201) selects multimedia information that BWS center (100) provides to selected client terminals (103) and (104).[2] Only conductor session terminal (201) is configured to specify session parameters to send a broadcast to a list of participating client terminals.[3] Agraharam does not teach or suggest that BWS center (100) receives any session parameters from the client terminals (103) or (104).

Moreover, as BWS center (100) is a management terminal, it does not belong to a group, as noted in paragraphs 27 and 36 which describe:

> To arrange a broadcast session, the session conductor
> specifies session parameters to the BWS Center 100. The

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[1] See outstanding Office Action, page 3, lines 9-12.
[2] See Agraharam, Abstract and paragraph 13.
[3] See Agraharam, paragraph 27.

session parameters include multimedia document IDs and MDIDs for documents (or portions of multimedia documents) stored in the MMOD that are to be "pushed" to the session audience during the broadcast session, and a delivery time parameter (DT) indicating at what time the broadcast session is to commence. *The session parameters also include a participation list (PL) indicating which client terminals 103 and 104 will constitute the session audience, and a required bandwidth (RB) for the broadcast session.*[4]

In step 435, the controller 303 prompts the session conductor to specify a session audience. The session conductor specifies the session audience by entering the predetermined codes corresponding to the broadcast receivers 204 that the session conductor wishes to receive the broadcast session. *The session conductor further specifies the session audience by entering into the participation list predetermined codes corresponding to the client terminals 103 that the session conductor wishes to have access to the broadcast session*, via network 102.[5]

Thus, <u>Agraharam</u> does not teach or suggest "reception means … for receiving a content request transmitted from *any* of the information processing apparatuses belonging to one of the plurality of groups," as recited in Claim 1.

2. There is no motivation to combine Agraharam and Porter

Moreover, it is respectfully submitted that there is no basis in the teachings of <u>Agraharam</u> or <u>Porter</u> to support the applied combination. The outstanding Office Action fails to cite to any teaching within either of the references to support the applied combination. In fact, the disclosure of <u>Porter</u> teaches away from the invention recited in Claim 1, and is contrary to the invention of <u>Agraharam</u>.

<u>Porter</u> describes a message system where a user can "check out" a document for modification. While a document is "checked out," no other user can access it.[6] Specifically, <u>Porter</u> states, "The profile is updated to checked-out *in order to prevent others from using*

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[4]<u>Agraharam</u>, paragraph 27 (emphasis added).
[5]<u>Agraharam</u>, paragraph 36 (emphasis added).
[6]See <u>Porter</u>, column 9, lines 19-31.

the file at the same time."[7] Thus, <u>Porter</u> describes a device that *prevents* multiple users from ever accessing the same content at a same time. One skilled in the art would not have considered the <u>Porter</u> reference pertinent to <u>Agraharam</u>, as <u>Porter</u> teaches away from multiple users accessing content. Accordingly, it is respectfully submitted that the combination of <u>Agraharam</u> and <u>Porter</u> is based upon hindsight reconstruction, and is improper.

Consequently, as the cited references do not teach each and every element of Claim 1, and there is no motivation to combine the references as proposed in the outstanding Office Action, it is respectfully submitted that Claim 1 (and Claims 2 and 3 dependent therefrom) is patentable over the cited references.

Independent Claims 4 and 5 recite similar elements to Claim 1. Accordingly, it is respectfully submitted that Claims 4 and 5 are patentable over the cited references for at least the reasons discussed above with respect to Claim 1.

As Claim 6 recites similar elements to Claim 1, Claim 6 is believed to be patentable over the cited references for similar reasons. For example, as BWS center (100) does not receive any session parameters from the client terminals (103) or (104), <u>Agraharam</u> does not teach or suggest that client terminals (103) or (104) include "requesting means" as recited in Claim 6. Further, as conductor session terminal (201) does not receive any data from BWS center (100) sent by client terminals (103) or (104), <u>Agraharam</u> does not teach or suggest that conductor session terminal (201) includes "reception means" as recited in Claim 6.

Thus, as the cited references do not teach each and every element of Claim 6, and, as discussed above with respect to Claim 1, there is no motivation to combine the references as proposed in the outstanding Office Action, it is respectfully submitted that Claim 6 (and Claim 7 dependent therefrom) is patentable over the cited references.

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[7]<u>Porter</u>, column 9, lines 24-26 (emphasis added).

Independent Claims 8 and 9 recite similar elements to Claim 6. Accordingly, it is respectfully submitted that Claims 8 and 9 are patentable over the cited references for at least the reasons discussed above with respect to Claim 6.

Should the Examiner continue to disagree with the above distinctions, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP § 714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.

Please note in accordance with the discussion herein, should the rejections in the Official Action of May 24, 2005 be maintained, Applicants intend to request a Pre-Brief Appeal Conference in accordance with the pilot program outlined in the Official Gazette Notice of July 12, 2005.

Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-9 patentably define over the asserted references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore respectfully requested.

Respectfully submitted,

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